

REMARKS

Claims 16-30 are pending in the above-identified application, and were rejected. With this Response, no claims were amended, added or cancelled. Accordingly, claims 16-30 remain at issue in the above-identified application.

I. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 16-26, 28, 29 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hofstetter et al. (U.S. Patent No. 6,136,623). Applicant respectfully traverses this rejection.

Claim 16 is directed to a light emitting device comprising a supporting base with insulation, a first light emitting element being provided on one face of the supporting base and a second light emitting element being provided on the side of the first light emitting element opposite to the supporting base. The first light emitting element has a first substrate with insulation, where the first substrate is transparent in the visible region. The second light emitting element has a second substrate.

As indicated in the response to the April 16, 2004 office action, contrary to claim 16, Hofstetter et al. discloses a red/IR side by side laser structure 100 on a blue laser structure 200 (see Figs. 6 and 7, and col. 9, lines 18-20). The red/IR side by side laser structure 100 has an n-type GaAs substrate 102 (see col. 3, lines 5-9), and the blue laser structure has a sapphire substrate 202 (see col. 6, lines 20-21). The Examiner clarified his rejections by identifying the first light emitting element as the blue laser structure (i.e., the element on the bottom). Thus, the Examiner clarified that Hofstetter et al. discloses a first light emitting element (i.e., the blue laser structure) having a first substrate with insulation (i.e., the sapphire substrate 202). In response to the Applicant's argument that Hofstetter et al. does not teach or disclose a supporting base with

insulation, the Examiner pointed to the same sapphire substrate that corresponds to the first substrate with insulation. The sapphire substrate in Hofstetter et al., however, cannot correspond to both the first substrate with insulation and the supporting base with insulation. Thus, as indicated in the response to the April 16, 2004 office action, Hofstetter et al. neither discloses nor suggests a supporting base with insulation upon which the first light emitting element having a first substrate with insulation is provided, as required by claim 16. Accordingly, claim 16 and claims 17-26 that depend from claim 16 are allowable over Hofstetter et al.

For reasons similar to those discussed above with regard to claim 16, Applicant respectfully submits that independent claims 28 and 29 are also allowable over Hofstetter et al. Accordingly, Applicant respectfully requests withdrawal of this rejection.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hofstetter et al. (U.S. Patent No. 6,136,623) in view of Kukimoto et al. (U.S. Patent No. 5,140,385). Applicant respectfully traverses this rejection.

As discussed above, Hofstetter et al. does not disclose or suggest a support base with insulation upon which the first light emitting element is provided. Thus, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to use the semiconductor layer of Kukimoto in the device of Hofstetter et al. to derive claim 27. Accordingly, Applicant respectfully requests withdrawal of this rejection.

III. Conclusion

In view of the above remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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